

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
March 12, 2014

**PRESENT:** Mayor Chuck Reed, Vice-Mayor Madison Nguyen, Councilmember Pete Constant and Councilmember Pierluigi Oliverio.

**ABSENT:** None.

**STAFF:** Deputy City Manager Norberto Dueñas, City Attorney Richard Doyle, City Clerk Toni Taber, Assistant City Clerk Tom Graves, Mayor's Agenda Services Manager Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Teresa Lewis.

**A. City Council (City Clerk)**

1. Review March 18, 2014 Final Agenda
  - a. Add New Items to Final Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Item 7.3 (Energy Technology Demonstration Project) for comments.

Action: Upon motion by Councilmember Constant, seconded by Vice-Mayor Nguyen and carried unanimously, the following items were approved:

- a. Add new items to Final Agenda: A ten-day sunshine waiver was approved to add the following items: 1.x (Presentation of a commendation to the Veterans Housing Facility and CEO Irvin Goodwin); 1.x (Presentation of a commendation to Polina Edmunds for her outstanding work representing San Jose and the United States at the 2014 Winter Olympics in Sochi, Russia); 4.x (Nomination of Century 21 Theatre for Listing on National Register of Historic Places);
  - b. Approved ten-day sunshine waiver for Item 7.1 (4-0.)
2. Review March 25, 2014 Draft Agenda
    - a. Add New Items to Draft Agenda
    - b. Assign "Time Certain" to Agenda Items (if needed)
    - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Item 3.3 (Side letter Agreements with the Municipal Employees Federation) for comments.

Action: Upon motion by Councilmember Constant, seconded by Vice-Mayor Nguyen and carried unanimously, the agenda was approved. (4-0.)

**B. Review of Upcoming Study Session Agenda(s)**

None.

**C. Legislative Update**

1. State – None.
2. Federal - None.

**D. Meeting Schedules**

Discussion: The Committee had a brief discussion regarding the City Council fall meeting schedule and the possibility of adding a Rules and Open Government Committee meeting in July.

Mayor directed staff to include August 5<sup>th</sup> as a regularly scheduled Council meeting when the fall Council schedule is developed. Rules and Open Government Committee may have to add an additional July meeting.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to the Mayor and City Council dated March 7, 2014, transmitting the Public Record for the week of February 28, 2014 – March 6, 2014.

Public Comments: David Wall voiced his concerns regarding Zero Waste Energy LLC's anaerobic facility.

Action: Upon motion by Councilmember Constant, seconded by Vice-Mayor Nguyen and carried unanimously, the Committee noted and filed the Public Record. (4-0.)

**F. Boards, Commissions and Committees**

1. Appointments  
None.
2. Work Plans  
None.
3. Annual Reports  
None.

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.
2. *Cesar Chavez* Red Carpet Film Premier (Campos)  
Approval of the District 5 Cesar Chavez Red Carpet Film Premier event on March 26, 2014, sponsored as a City Council Special Event and approve expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the event and placing the item on the March 25, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Xavier Campos to the Honorable Mayor and City Council dated March 6, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, Item G.2 was approved, placing the item on the March 25, 2014 Council Agenda for action, and a 10-day Sunshine Waiver was approved. (4-0.)

**G. Rules Committee Reviews, Recommendations and Approvals (Cont.)**

**3. SB 1014 (Jackson) – Pharmaceutical Waste: Home Generated (Environmental Services)**

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve a position in support for SB 1014 (Jackson).
- b. Approve a Sunshine Waiver and recommend a one-week turnaround to the City Council so that the City's legislative representative can advocate the City's support for SB 1014.

Documents Filed: City Council Action Request from the Environmental Services Department to the Rules and Open Government Committee dated March 12, 2014, forwarding the recommendations.

Director of Intergovernmental Relations Betsy Shotwell provided further explanation and was available to answer questions.

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Constant and carried unanimously, a support position for SB 1014 (Jackson) waiving the sunshine requirement and forwarded the bill to the City Council for action on March 18, 2014, was approved. (4-0.)

**4. Modification to the Downtown Business Incentives Program (Mayor)**

Place an item on the March 25, 2014, City Council Agenda for Council approval of a resolution authorizing the City Manager to execute an agreement with California News Partnership, conditioned on a long-term lease of Downtown office space, to provide for the relocation of the Bay Area News Group and the San Jose Mercury News operations to the Downtown, with certain modifications to the Downtown Business Parking Incentives Program, as follows:

- a. 200 total parking spaces in the 3<sup>rd</sup> Street Parking Garage;
- b. 160 parking spaces would be provided free for Years 1 through 4 of the lease;
- c. 160 parking spaces would be provided at half price of the regular monthly parking rate of \$100 per space for Year 5;
- d. 160 parking spaces would be provided at full price of the regular monthly parking rate of \$100 per space for Years 6 through 7½ ; and,
- e. 20 additional parking spaces will be provided at full price of the regular monthly parking rate of \$100 per space during Years 1 through 4; and,
- f. 20 spaces will be provided at full price of the regular monthly parking rate of \$100 per space throughout the lease, if used.

Documents Filed: Memorandum from Mayor Chuck Reed to the Rules and Open Government Committee dated March 6, 2014, forwarding the recommendations.

Public Comments: David Wall voiced his opinion regarding offering the San José Mercury News parking incentives.

City Attorney Richard Doyle provided information on language clarification and Assistant Director of Department of Transportation Jim Ortbal explained the terms of the lease.

**G. Rules Committee Reviews, Recommendations and Approvals (Cont.)**

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, Item G.4 was approved, placing the item on the March 18, 2014 Council Agenda for action with direction to staff to amend the language. (4-0.)

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee  
None.
2. Neighborhood Services and Education Committee  
None.
3. Transportation and Environment Committee  
None.
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee  
None.

**I. Open Government**

1. Appeals of Public Records Act Request  
None.

**J. Open Forum**

Jeff Bedolla commented on PD12-047 and homelessness in San José.

Martha O'Connell suggested that the City of San José eliminate duplicate services that are already in place through the County of Santa Clara and the Valley Transportation Authority.

David Wall stated that he has submitted several Public Records Requests and as of date has had no response.

City Clerk Toni Taber noted the Public Record Request for the City Clerk's Office was completed and stated she will follow-up with the Open Government Manager on the other Departments' requests.

**K. Adjournment.**

The meeting adjourned at 2:25 p.m.



Mayor Chuck Reed

Rules and Open Government Committee